

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

Jon-Paul Guitard

v.

Civil No. 11-cv-194-PB

New Hampshire Department of
Corrections, Division of Medical
and Forensic Services

O R D E R

Before the court is pro se plaintiff Jon-Paul Guitard's original complaint (doc. no. 1) and an addendum with exhibits (doc. no. 8), filed in response to this court's order (doc. no. 3) directing Guitard to identify individuals at the New Hampshire State Prison ("NHSP") whom he claims are liable in this action. The defendant named in the original complaint is the NHSP Medical Department, and the individuals named in the addendum are Brad Bowden, RN; Donna Mailias, RN; and Dr. Celia Englander, MD. The complaint, for all purposes in this action, is construed to consist of the original complaint (doc. no. 1) and the addendum, including the exhibits thereto (doc. no. 8).

For the reasons set forth in the Report and Recommendation issued this date, the court has recommended that all claims asserted against defendants Mailias and the NHSP Medical Department be dismissed. The Eighth Amendment and medical

malpractice claims asserted against Nurse Bowden and Dr. Englander may proceed and shall be served.

Conclusion

To serve process on Dr. Celia Englander, the Clerk's office shall issue a summons against Dr. Englander, at the address provided in the summons prepared by the plaintiff for the NHSP Medical Department, and shall forward to the United States Marshal for the District of New Hampshire (the "U.S. Marshal's office") the summons and copies of the Complaint (doc. nos. 1 and 8), the Report and Recommendation, and this Order. Upon receipt of the necessary documentation, the U.S. Marshal's office shall make service upon Dr. Englander. See Fed. R. Civ. P. 4(c)(3).

To effect service on Nurse Brad Bowden, the Clerk's office shall serve the New Hampshire Office of the Attorney General ("AG"), as provided in the Agreement on Acceptance Of Service, electronic copies of this Order, the Report and Recommendation issued this date, and the complaint (doc. nos. 1 and 8). Within thirty days of receiving these materials, the AG will submit to the court an Acceptance of Service notice specifying whether defendant has authorized the AG to receive service on his behalf. When the Acceptance of Service is filed, service will be deemed made on the last day of the thirty-day period.

If defendant Bowden does not authorize the AG to receive service on his behalf or the AG declines to represent him, the AG shall, within thirty days from receipt of the aforementioned materials, provide the court with the defendant's last known address. In that event, the Clerk's office is instructed to complete and issue a summons for defendant, using the address provided, and forward the summons, along with the above-listed documents, to the U.S. Marshal's office to complete service on defendant Bowden in accordance with this Order and Fed. R. Civ. P. 4(c)(3).

Defendants are instructed to answer or otherwise plead within twenty-one days of the date upon which service is made. See Fed. R. Civ. P. 12(a)(1)(A).

Plaintiff is instructed that all future pleadings, written motions, notices, or other filings shall be served on the defendants by delivering or mailing the materials to the defendants or their attorneys, pursuant to Fed. R. Civ. P. 5(b).

SO ORDERED.



Landya McAfferty
United States Magistrate Judge

Date: November 4, 2011

cc: Jon-Paul Guitard, pro se

LBM:nmd